

Before the
Federal Communications Commission
 Washington, D.C. 20554

In the Matter of

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MM Docket No. 95-27

Amendment of Section 73.207(b)
 of the Commission's Rules
 Table of Allotments
 FM Broadcast Stations
 (Yazoo City, Mississippi)

RM-8582

RECEIVED**APR 17 1995**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

**COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULEMAKING
 AND CONTINGENT COUNTERPROPOSAL**

Mississippi College ("MC"), by and through counsel and pursuant to §1.415 of the Commission's Rules (47 C.F.R. §1.415) hereby submits its Comments in support of the Notice of Proposed Rulemaking, DA 95-195, released February 23, 1995 ("NPRM"), and Contingent Counterproposal in the above-captioned proceeding. In support whereof, the following is shown:

Background

1. MC is the licensee of commercial FM station, WHJT(FM), Clinton, Mississippi. WHJT(FM) presently operates as a grandfathered short-spaced FM station on Channel 228A. The station is precluded from operating as a fully-spaced, 6 kilowatt, FM station because of a short-spacing to a vacant allotment of Channel 229A at Yazoo City, Mississippi.¹

2. In its "Petition For Rulemaking" ("Petition") filed November 21, 1994, MC requested that the Commission delete the vacant allotment on Channel 229A at Yazoo City,

¹ The allotment was originally held by Dri-Two, Inc., permittee of WAZF-FM, however Dri-Two, Inc.'s Construction Permit was later cancelled and the Channel has been vacant since July, 1993. See File No. BMPH-900725JA.

Mississippi, in order to permit WHJT(FM) to provide improved service to the community of Clinton, Mississippi. As demonstrated in the Engineering Statement included with the Petition, the vacant allotment of Channel 229A at Yazoo City, Mississippi, is the sole impediment to WHJT(FM) operating as a fully-spaced, 6 kilowatt, FM station.² In addition, MC requested that the Commission allow a modification to the license of WHJT(FM), Clinton, Mississippi, to permit the station to operate with 6 kilowatt facilities. If the Commission permits such changes, MC stated that it would immediately file an application to modify the license of WHJT(FM).

3. In the NPRM, the Commission found that "the public interest would be served by the deletion of Channel 229A at Yazoo City." NPRM at ¶3. The Commission acknowledged that deleting the Yazoo City allotment would permit WHJT(FM) to increase power and the deletion would cause no loss of service to the community of Yazoo City, Mississippi, which is presently served by another FM station as well as an AM station. See, NPRM at ¶¶2-3.

² On December 12, 1994, an application was filed seeking a one-step upgrade for WVIV(FM), Pearl, Mississippi. See File No. BMPH-941212IL. According to the Commission's database, the proposed coordinates for the upgrade facilities are: **32° 15' 09" NL and 89° 54' 10" WL**. While MC's upgrade proposal is slightly short-spaced to these coordinates, it appears that the coordinates were listed in error in the application and that they will be corrected in the near future. On March 2, 1995, counsel for WVIV(FM) wrote a letter to the Commission noting that the coordinates were in error. See Exhibit 2. He noted that correct coordinates were actually **32° 14' 09" NL and 88° 54' 10" WL**. Due to a typographical error, the incorrect figure for North Latitude minutes (15' versus 14'), was listed in Section V-B, Item 2(b) of the application and were subsequently included in the Commission's database. Counsel for WVIV(FM) has confirmed that the Commission is aware of his March 2, 1995 correspondence and that the application has been changed to reflect the correct coordinates. MC's proposal to upgrade WHJT(FM) provides full spacing to the correct set of coordinates for the WVIV(FM) upgrade: **32° 14' 09" NL and 88° 54' 10" WL**. Therefore, the inclusion of the erroneous WVIV(FM) upgrade coordinates in the Commission's database should not be an impediment to the grant of MC's upgrade proposal.

However, the Commission stated that it would not delete Channel 229A at Yazoo City if there was a timely-filed expression of interest in the vacant allotment. MC now submits its comments in support of the NPRM.

**The Public Interest Would Be Served By Deleting
Channel 229A at Yazoo City**

4. MC has amply demonstrated that the public interest would be served by deletion of Channel 229A at Yazoo City. The allotment has been vacant since July, 1993. The deletion of Channel 229A will permit WHJT(FM) to provide enhanced service to the community of Clinton, Mississippi, and will eliminate two short-spaced allotments. If the Commission grants the changes proposed herein, MC once again states that it will file an application to modify the license of WHJT(FM) and when authorized, make the necessary changes to its facilities. Therefore, the public interest benefits weigh in favor of deleting Channel 229A at Yazoo City.

CONTINGENT COUNTERPROPOSAL

5. While MC does not anticipate that a valid expression of interest will be filed for Channel 229A at Yazoo City, it shall propose the following Contingent Counterproposal. If a timely expression of interest for Channel 229A is filed, then the Commission should substitute Channel 226A for Channel 229A at Yazoo City. As demonstrated in the attached Technical Statement, Channel 226A can be allotted to Yazoo City, Mississippi, in compliance with the spacing requirements of §73.207 of the Commission's rules. See Exhibit 1. The substitution of Channel 226A would serve the public interest since it would permit a grant of MC's proposal to upgrade WHJT(FM) while accommodating the desires of a party expressing an interest in the vacant Yazoo City allotment. Therefore, as an alternative to deleting Channel

229A, the Commission should alternatively consider substituting Channel 226A for Channel 229A at Yazoo City. If no expression of interest is filed, then the Commission should simply delete Channel 229A.

Conclusion

6. MC has demonstrated that a grant of its Petition For Rulemaking would serve the public interest. Enhanced service to the community of Clinton, Mississippi, will result if the Commission deletes the vacant allotment of Channel 229A at Yazoo City, Mississippi, and permits a 6 kilowatt upgrade for WHJT(FM). Should an outside party file an expression of interest in Channel 229A, MC has demonstrated that the Commission can still grant MC's upgrade by substituting Channel 226A for Channel 229A at Yazoo City.

WHEREFORE, the above-premises considered, Mississippi College respectfully requests that the Commission make one of the following changes to the FM Table of Allotments:

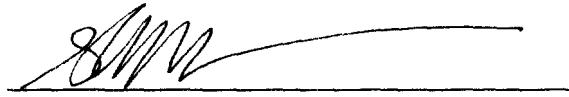
Channel No.		
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Yazoo City, Mississippi	221C3, 229A	221C3
(or)		
Yazoo City, Mississippi	221C3, 229A	221C3, 226A

In addition, Mississippi College respectfully requests that the Commission permit a modification of license for WHJT(FM), Clinton, Mississippi, in order to permit the station to operate as a fully-spaced, 6 kilowatt, FM station.

Respectfully submitted,

MISSISSIPPI COLLEGE

By:

A handwritten signature in dark ink, appearing to be 'GSM', written over a horizontal line.

Gary S. Smithwick
Shaun A. Maher

Its Attorney

SMITHWICK & BELENDIUK, P.C.

1990 M Street, N.W.
Suite 510
Washington, DC 20036
(202) 785-2800

April 17, 1995

EXHIBIT 1

COMMENTS TO RULEMAKING

MM Docket No. 95-27 - RM-8582

WHJT-FM Radio Station

Mississippi College

Clinton, Mississippi

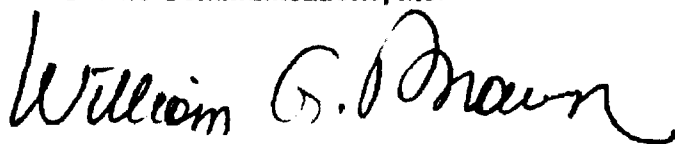
April 1995

This Technical Exhibit supports the comments being filed by Mississippi College ("WHJT") licensee of WHJT at Clinton, Mississippi. WHJT proposed that unused Channel 229A be deleted from Yazoo City, Mississippi so that WHJT could increase power to the maximum allowed for Class A stations. WHJT is currently shortspaced under §73.207 by 7.55 km.

Further study shows that Channel 226A can be substituted for Channel 229A at Yazoo City with a site restriction of 16 km southeast of the community. We are including (see Exhibit #1) a Tabulated Allocation study using a reference point of North Latitude 32° 50' 29" and West Longitude 90° 16' 28". Channel 226A can be allocated to Yazoo City, Mississippi and meet the provisions of §73.207 of the Commission's Rules. Additionally, as Exhibit #2, we are including a city grade (3.18 mV/m) proposed contour map showing where a maximum Class A facility can utilize this site and provide 100% city grade service to Yazoo City.

Therefore, WHJT further proposes that if an expression of interest is voiced for a FM Channel at Yazoo City, then the Commission substitute Channel 226A for Channel 229A. This proposal clears WHJT to increase power to 6 kW.

Bromo Communications, Inc.



William G. Brown
Consultant to WHJT

**Allocation Study - Channel 226A
Yazoo City, MS**

REFERENCE

32° 50' 29" N

90° 16' 28" W

CLASS A

Current rules spacings

----- CHANNEL 226 - 93.1 MHz -----

DISPLAY DATES

DATA 02-24-95

SEARCH 04-06-95

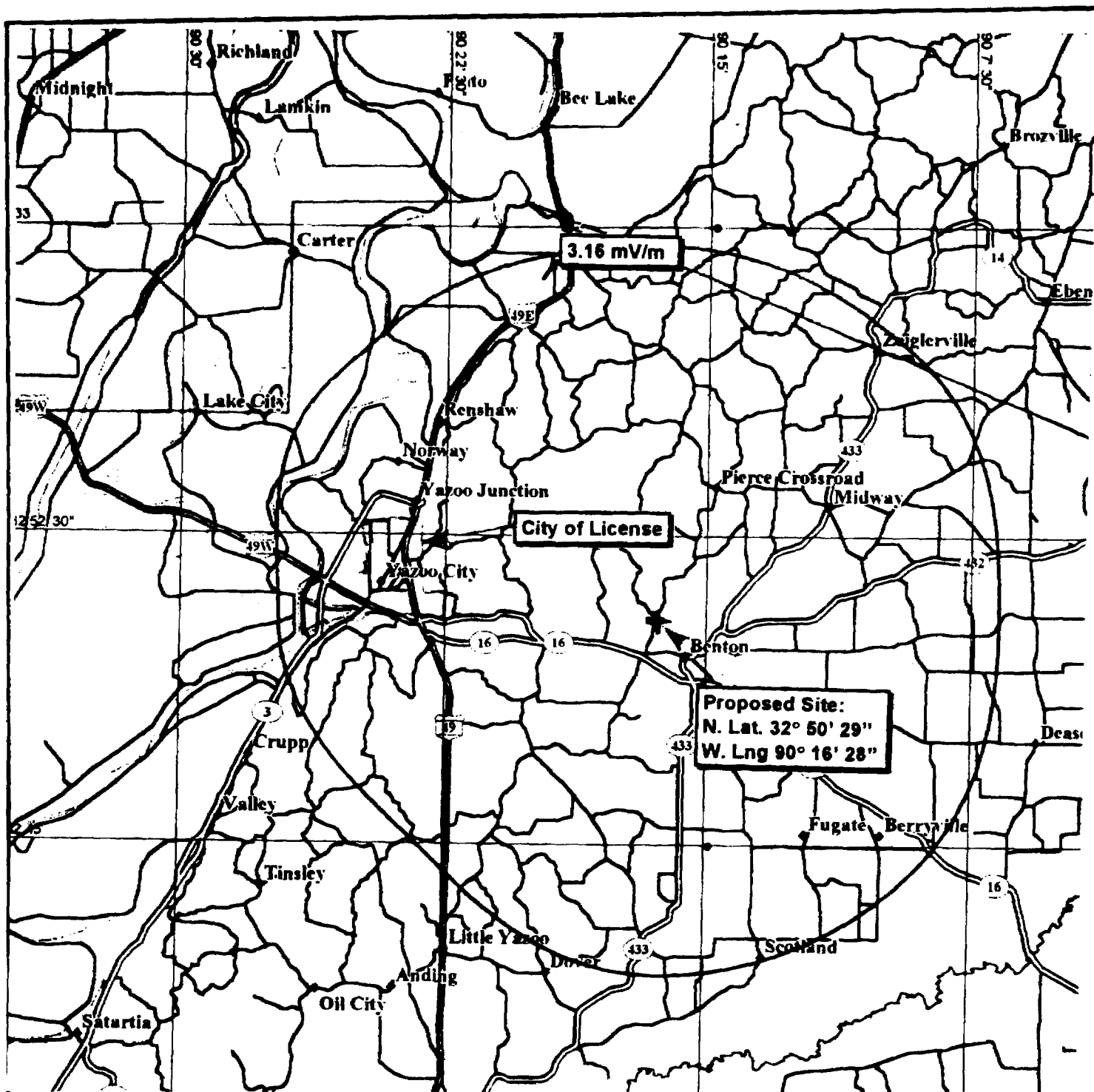
CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KQID	226C	Alexandria	LA	233.8	225.58	226.0	-0.42 *
WDTLFM	225C2	Cleveland	MS	340.2	105.67	106.0	-0.33 *
WSYE	227C	Houston	MS	52.2	164.67	165.0	-0.33 *
WQSTFM	223C	Forest	MS	123.6	95.78	95.0	0.78 <
WQSTFM	223C	Forest	MS	123.6	95.78	95.0	0.78 <
ALOPEN	280A	Ebenezer	MS	54.3	11.84	10.0	1.84 <
ALOPEN	225C2	Cleveland	MS	338.0	109.06	106.0	3.06
DE225	225A	Utica	MS	194.4	84.61	72.0	12.61
WJXNFM	225A	Utica	MS	194.4	84.61	72.0	12.61
AD228	228A	Clinton	MS	186.6	49.43	31.0	18.43
WHJT	228A	Clinton	MS	185.3	56.12	31.0	25.12
ALOPEN	225A	Hazlehurst	MS	186.5	105.88	72.0	33.88
AD225	225A	Hazlehurst	MS	186.5	105.88	72.0	33.88

TABULATED ALLOCATION STUDY

**EXHIBIT #1
COMMENTS TO RULEMAKING
MM Docket No. 95-27 - RM-8582
WHJT-FM Radio Station
Mississippi College
Clinton, Mississippi
April 1995**

BROMO
COMMUNICATIONS

BROADCAST
TECHNICAL CONSULTANTS



PROPOSED 3.16 mV/m CONTOUR

Note:
Contour assumes maximum power and height Class A
facility (6 kW - 100 m HAAT)

map is 1:250,000 Scale ©1993 DeLorme Mapping
portion of the State of Mississippi

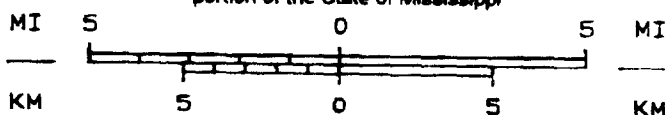


EXHIBIT #2
COMMENTS TO RULEMAKING
MM Docket No. 95-27 - RM-8582
WHJT-FM Radio Station
Mississippi College
Clinton, Mississippi
April 1995

BROMO BROADCAST
COMMUNICATIONS TECHNICAL CONSULTANTS

EXHIBIT 2

FILE

LAW OFFICES OF
BOOTH, FRERET & IMLAY

SUITE 204
1233 20TH STREET, N.W.
WASHINGTON, D.C. 20036

ROBERT M. BOOTH, JR. (1911-1981)
JULIAN P. FRERET
CHRISTOPHER D. IMLAY

March 2, 1995

RECEIVED

MAR - 2 1995

TELEPHONE
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(202) 293-1319

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. Dennis Williams, Chief
FM Branch, Mass Media Bureau
Federal Communications Commission
1919 M Street, N. W., Room 332
Washington, D. C. 20554

Attention: Mr. James Crutchfield

In re: Radio Station WVIV(FM), Pearl, MS
Application to Upgrade (same frequency)
Class A to Class C3 (BMPH-941212IL)

Dear Mr. Williams:

I recently discovered a typographical error in the captioned application, to wit, that at page 18 of Section V-B FM Broadcast Engineering Data, the latitude of the proposed site was listed as

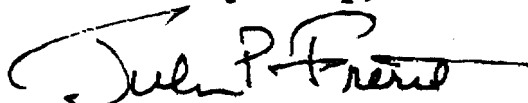
32° 15' 09"

The correct latitude is:

32° 14' 09"

Throughout the rest of the application and in Exhibit 1, the request for FAA approval, the correct coordinates are listed.

Yours very truly,



Julian P. Freret
Counsel for WVIV(FM)

JPF:mf